

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

)
) MDL No. 1456
)

) Civil Action No. 01-CV-12257 PBS
)

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

) Judge Patti B. Saris
)

) Chief Magistrate Judge Marianne B. Bowler

DECLARATION OF STEVEN M. EDWARDS

STEVEN M. EDWARDS, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a member of Hogan & Hartson L.L.P., attorneys for defendants Bristol-Myers Squibb Co., Oncology Therapeutics Network Corp., and Apothecon, Inc. (together “BMS”). I make this declaration in opposition to plaintiffs’ motion for approval of their form of and procedure for class notice. I have personal knowledge of the facts stated herein.

2. Annexed hereto as Exhibit 1, 2 and 3 are true and correct copies of a letter, and two enclosures that my partner, Lyndon M. Tretter, sent to plaintiffs’ counsel, Edward Notargiacomo, regarding BMS’s comments and objections to the initial draft notice that plaintiffs circulated to defense counsel prior to making the instant motion. The two enclosures are, respectively, a “red-lined” and a “clean” version of plaintiffs’ draft that reflect BMS’s specific line-item comments and objections to plaintiffs’ draft notice.

3. I have reviewed plaintiffs’ motion papers and it appears that plaintiffs have rejected most of BMS’s comments and objections.

4. Exhibit 4 hereto is a true and correct copy of the letter to plaintiffs from counsel to AstraZeneca, which was incorporated by reference in Mr. Tretter’s letter (Exhibit 1).

5. In 2002, at a discovery conference concerning plaintiffs' desire to commence discovery prior to the Court's decision on any motion to dismiss, I suggested to plaintiffs' counsel that they initiate discovery of CMS in order to obtain a list of class members for class notice purposes. They ridiculed my suggestion and have never attempted to obtain such discovery.

I declare under penalty of perjury that the forgoing is true and correct.

Dated: June 2, 2006
New York, New York

/s/ Steven M. Edwards
Steven M. Edwards